

ANALYSIS OF ORIGINAL BILL

Franchise Tax Board

Author: Shelley Analyst: Darrine Distefano Bill Number: AB 2799
Related Bills: See Legislative History Telephone: 845-6458 Introduced Date: 02-28-2000
Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Public Record Disclosure/Make Available in Electronic Format if Available & When Requested

SUMMARY

This bill would require any state or local agency that has public information in an electronic format to make that information available to the public in an electronic format in which the state agency holds the information. The requester would pay direct costs of duplicating the public record in an electronic format.

This bill would further require a public record to be disclosed if, on the facts of the particular case, the public interest is served by disclosing the record.

EFFECTIVE DATE

This bill would be effective on January 1, 2001, and operative for all public record act requests made after that date.

LEGISLATIVE HISTORY

SB 1065 (99/00, vetoed) would have required any state or local agency that has public information in an electronic format to make that information available to the public in an electronic format.

AB 179 (97/98, vetoed) would have required any state or local agency that has public information in an electronic format to make the information available electronically.

AB 142 (95/96), which failed passage in the Assembly Committee of Governmental Organization, would have required any agency that has public information in an electronic format to make the information available in an electronic format.

SPECIFIC FINDINGS

Under current state law, any person may obtain a copy of any identifiable public record, except records exempt from disclosure, upon payment of any fees (statutory or direct costs of duplication). If the record is stored as computer data, the agency is authorized to determine the format in which the computer data are provided to a requester.

This bill would require any agency that has public information in an electronic format to provide that information in any electronic format in which it holds that information. The agency also shall provide a copy of any electronic record in any format requested if the agency uses the requested format to make copies for itself or other agencies.

Board Position:

_____ S	_____ NA	_____ NP
_____ SA	_____ O	_____ NAR
_____ N	_____ OUA	_____ <u>X</u> PENDING

Department Director

Date

Alan Hunter for GHG

4/4/00

This bill would provide that a public agency would not be required to reconstruct a report in an electronic format if the report were no longer available in an electronic format.

This bill would provide that direct costs of duplication include the costs related to duplicating the electronic record.

This bill would delete the existing provision authorizing an agency to determine the format in which computer data are provided.

This bill would provide for a balancing test weighing the public interest served by disclosure against the public interest served by not disclosing. This balancing test would be applied to determine whether an agency or superior court may disclose or order to be disclosed a record otherwise exempt from disclosure.

Implementation Considerations

This bill would not significantly impact the department's programs and operations.

FISCAL IMPACT

Departmental Costs

This bill would not significantly impact the department's costs since existing law allows, and this bill further specifies, that agencies can be reimbursed for direct costs of duplication.

Tax Revenue Discussion

This bill would not impact state income tax revenue.

BOARD POSITION

Pending.